

REMARKS/ARGUMENTS

Claim Amendments

Claims 1-4 and 11 have been cancelled. Claims 5 and 9 have been amended as shown in the listing of claims. New claims 14 to 16 are added. Claims 5-10 and 12-16 are now pending. The Applicants submit that no new matter is added by these claims.

Claim Rejections

Claims 5-8, 10 and 12 were rejected as being anticipated by Cote '593. Claims 9 and 13 were rejected as being obvious over Cote '593 and Dickerson '254. The Applicants respectfully traverse this rejection. The Applicants repeat, incorporate and rely on their previous submission regarding these references and make the following additional comments.

Regarding claim 5, without admission as to the previous rejection, amended claim 5 contains additional elements (g), (h) and (i). Applicants submit that at least these additional elements, in combination with the claim as a whole, are not provided in Cote '593. Claims 6-10, 12 and 13 depend on claim 5 and so are also allowable for at least the reasons given in relation to claim 5. The Applicants further submit that new claims 14-16 describe inventions neither anticipated nor made obvious by the cited references.

In addition, regarding claim 5, the alleged first gas in Cote has ozone added to it. Accordingly, this gas does not consist essentially of a mixture of the second gas and air. Further, the disclosure in Cote '593 is insufficient to disclose a process wherein any gases collected from burst bubbles are recycled specifically as part of a gas introduced in the tank in bubbles which rise past the membranes.

Regarding claim 6, whether the bubbles in Cote have concentrations of carbon dioxide greater than in air is a function of, among other things, the composition of the air in the bubbles when they are formed and the chemistry of the water. The mere fact that Cote '593 describes bubbles rising in water does not make it

inherent that the bubbles will have a concentration of carbon dioxide greater than air when they burst at the surface. Further, even if the bubbles did burst with a concentration of carbon dioxide greater than air, it is not inherent in Cote that such an elevated concentration would still exist in a gas sent to the tank to make fouling inhibiting bubbles. In particular, there is no disclosure in Cote '593 stating that the gases collected from burst bubbles in Cote are recycled to such a gas. Secondly, even if the bubble burst gases were so recycled, the amount of gas recycled and its concentration is not described clearly enough to make it inherent that the carbon dioxide concentration will be more than in air after any recycled gases are diluted by adding ozone.

Regarding claim 7, since Cote is concerned with ozonation, and preventing the release of ozone, a hypothetical optimization of the Cote process in no way anticipates claim 7.

Regarding claims 8 and 9, scaling tendencies are not an inherent property of all feed waters and there is no disclosure in Cote '593 stating that the feed waters have scaling tendencies as claimed. Further in regard to claim 9, the Office Action does not provide sufficient evidence of a superficial velocity as claimed being taught by Cote '593.

Regarding claim 12, the Applicants note that the Office Action provides no discussion of this claim in particular.

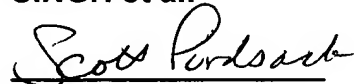
Regarding claim 13, the Office Action does not provide an argument as to how a combination of Dickerson and Cote would teach drawing a flow of air from the atmosphere into a vacuum induced flow of the second gas.

Appl. No. 10/092,577
Amdt. dated October 29, 2004
Reply to Office Action of June 30, 2004

For the reasons above, the Applicants submit that the claims are allowable.

Respectfully submitted,

SINGH et al.

A handwritten signature in cursive script, reading "Scott Pundsack", written over a horizontal line.

Scott Pundsack
Registration No. 47,330
Tel: (416) 957-1698